

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
DONALD HEIMSTAEDT, TODD KORTE,

Plaintiffs,

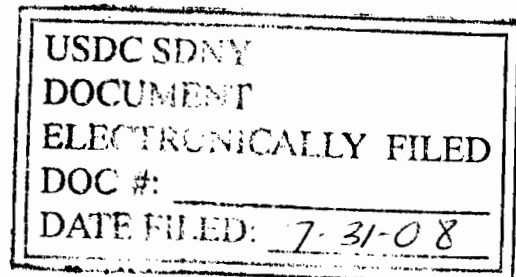
-v-

PREM.AIR NEW YORK, LLC, PREM.AIR
GROUP OF NEW YORK, LLC, PREM.AIR
GROUP, LLC, MCQUAY NEW YORK, LLC,
GEORGE KOUTSSOS, ERIC BERKOWITZ,
MCQUAY NEW YORK PROFIT SHARING PLAN,
AND XYZ TRUSTEES OF THE MCQUAY NEW
YORK, LLC 401(k) PROFIT SHARING PLAN,

Defendants.
----- x

07 Civ. 9389 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

In a teleconference on May 7, 2008, the Court modified its previously entered Case Management Plan by, among other things, directing the parties to appear before the Court on July 29, 2008, at 5 p.m. for a final pre-trial conference.

Counsel for the parties having failed to appear for that conference, and also having failed to provide to the Court any written stipulation of dismissal or other document purporting to conclude the action, the Court hereby orders that trial in this case shall commence on Tuesday, September 2, at 9 a.m. This date is firm and fixed and shall not be adjourned for any reason whatsoever.

SO ORDERED.

Dated: New York, NY
July 29, 2008


JED S. RAKOFF, U.S.D.J.